

REMARKS

Claim Objections

Claim 14 is objected to because it improperly depends on multiple depends claims from claim 12. Applicant has amended the claim to correct the language so that claim 14 depends on
5 claims 1-11. Withdrawal of this objection is respectfully requested.

Rejections Under 35 USC 112

Claim 9 is rejected under 35 USC 112 as claiming a process for a “seller” to purchase a plane and phone. Claim 9 has been canceled making traverse of this rejection moot. Examiner states the “process of enabling a seller to purchase a plan and phone” is not clearly described in the
10 specification and then later states “the Examiner assumes that the feature of “process of enabling a seller to purchase a plan and phone” is described somewhere in the specification. Applicant directs Examiner to Fig. 9, which illustrates the wireless number auction/sale seller validation process; Fig. 10, which illustrates the wireless number auction/sale buyer validation process; and Fig. 11, which illustrates the wireless number auction/sale purchase process. Additionally, Page 10 of
15 the application, line 2 through page 13 describes the process where a seller is required to have the ability to purchase a plane and phone for resale to the buyer in the auction embodiment of the present invention. The claim limitations of claim 9 have been included in the amended claim 10 and this error has been corrected. Withdrawal of this rejection is respectfully requested.

Claims 10-13 are rejected under 35 USC 112 as they depended form claim 9 in the original
20 application. Claim 9 has been canceled and the claim limitations of claim 9 have been included in the amended claim 10 and this error has been corrected. Claims 11-13 now depend on claim 10, which as discussed has been corrected. Withdrawal of this rejection is respectfully requested.

Rejections Under 35 USC 102

Claims 1, and 5 stand rejected under 35 USC Section 102(e) as being anticipated by Ichihara et al. (US Patent 6,886,744). Anticipation requires the disclosure in a single prior art reference of each element of the claim under consideration and it is not enough that the prior art reference
5 discloses all the claimed elements in isolation, rather anticipation requires disclosure as arranged in the claim. See. W.L. Gore & Associates v. Garlock, Inc. Further anticipation will not be found when the prior art is lacking or missing a specific feature or structure of the claimed invention.

Claims 1 and 5 have been cancelled making traverse of this rejection moot. Withdrawal of this rejection is respectfully requested.

10 ***Rejections Under 35 USC 103***

A prima facie case of obviousness is established when an examiner provides:

1. one or more references
2. that were available to the inventor and
3. that teach
- 15 4. a suggestion to combine or modify the references,
5. the combination or modification of which would appear to be sufficient to have made the claimed invention obvious to one of ordinary skill in the art.

Accordingly, an applicant who is able to prove that the Examiner has failed to establish
20 any one of these elements will prevent the prima facie case of obviousness from being established.

Claim 9 stands rejected under 35 USC 103(a) as being unpatentable over Ichihara et al. (US Patent 6,886,744) in view of Petrelli et al. (U.S. Patent 6,359,980). Claim 9 has been cancelled making traverse of this rejection moot. Withdrawal of this rejection is respectfully
25 requested. Withdrawal of this rejection is respectfully requested.

Allowable Subject Matter

With respect to the allowable subject matter of claims 2-4,6-8 and 15/5 and 15/8, Applicant has rewritten claims 2 and 6 in independent form including all of the limitations of the base claim(s) and any intervening claim(s). Withdrawal of this objection is respectfully requested.

5 Claims 3-4 now depend on amended claim 2 (amended to an independent claim as previously discussed) and claims 7-8 now depend on amended claim 6 (amended to an independent claim as previously discussed). Claims 3-4 and 7-8 now depend on independent claims which have been noted in the current office action as being allowable subject matter if rewritten in independent form including all of the limitations of the base claim(s) and any intervening claim(s). Withdrawal
10 of this objection is respectfully requested.

With respect to claim 15/5, Examiner has noted that the claim limitation found in claim 15 is allowable subject matter by listing claims 15/5-15/8 as allowable subject matter in the January 30, 2008 Office Action. Applicant has included new claim 16 which includes all the claim limitations as found in original claim 5 in addition to the claim limitations of claim 15. Withdrawal of this
15 objection is respectfully requested.

With respect to claims 15/6, 15/7, and 15/8, Claim 15/7 and 15/8 are dependant on claim 6 from which claims 7 and 8 depend. As discussed above, Applicant has rewritten claim 6 in independent form including all of the limitations of the base claim(s) and any intervening claim(s). Withdrawal of this objection is respectfully requested.

CONCLUSION

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For all the reasons advanced above, Applicant respectfully submits that the application is in condition for allowance and that action is earnestly solicited.

In the event that an extension of time is required, or may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely.

Respectfully submitted,

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